

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT RICHARD PRICE,
Petitioner,

v.

UNKNOWN,
Respondent.

No. 2:22-cv-0152 KJN P

ORDER

Petitioner, a county prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner did not file an application to proceed in forma pauperis or pay the filing fee.

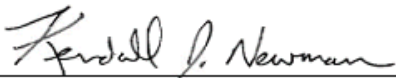
For the reasons stated herein, this action is construed as a civil rights action pursuant to 42 U.S.C. § 1983.

Petitioner alleges that officials at the Rio Consumnes Correctional Center (“RCCC”) violated his constitutional rights by opening his legal mail outside his presence on two occasions. The purpose of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is to challenge the validity of confinement. Claims challenging conditions of confinement should be raised in civil rights actions pursuant to 42 U.S.C. § 1983. Because petitioner challenges conditions of confinement, the undersigned construes this action as a civil rights action pursuant to 42 U.S.C. § 1983.

Accordingly, IT IS HEREBY ORDERED that:

1. This action is construed as a civil rights action pursuant to 42 U.S.C. § 1983;
2. Petitioner is granted thirty days from the date of this order to file a complaint; within that time, petitioner shall file an application to proceed in forma pauperis or pay the required filing fee of \$350.00 plus the \$52.00 administrative fee; failure to comply with this order will result in a recommendation of dismissal of this action;
3. The Clerk of the Court is directed to send petitioner a civil rights complaint form and an application to proceed in forma pauperis.

Dated: January 31, 2022


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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